

# Notice of Allowability

Application No.

08/784,224

Examiner

James W Myhre

Applicant(s)

SULLIVAN, ANTHONY D.

Art Unit

3622

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on July 6, 2004.
2. ☒ The allowed claim(s) is/are 4,5,13,14,20,21 and 29-34.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 2.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The After-Final Amendment filed on July 6, 2004 under 37 CFR 1.116 is sufficient to overcome the Oku et al (5,675,745), Graves et al (5,410,344), Barritz (5,499,340), and Levergood et al (5,708,780) references. This amendment canceled Claims 10, 16, and 25, rendering the previous rejection of these claims moot. Therefore, the currently pending claims considered below are Claims 4, 5, 13, 14, 20, 21, and 29-34.

### ***Allowable Subject Matter***

2. Claims 4, 5, 13, 14, 20, 21, and 29-34 contain allowable subject matter.

### ***Examiner's Statement of Reasons Allowance***

3. The following is an Examiner's Statement of Reasons for Allowance:

As discussed in the Decision of Appeal of September 24, 2002, prior art was found which disclosed all the claimed features in Claims 4, 5, 13, 14, 20, and 21 pertaining to identifying a plurality of needs for the knowledge worker. While the above references disclose the user (knowledge worker) entering a plurality of search criteria for the desired (needed) information, the Board has determined that this is not the equivalent of a plurality of needs for the knowledge worker. Therefore, the novel or non-obvious part of the invention is the entry of a plurality of needs, not search criteria, for the knowledge worker.

### ***Response to Arguments***

4. The Applicant argues against the Reasons for Allowance stated in the previous office action and restated above by contending that "they are inconsistent with applicable case law, statutes, and regulations". However, the Applicant has not expounded on this statement by indicating how or why the reasons for allowance are inconsistent, nor by indicating with which case law, statutes, or regulations they are supposedly inconsistent. The above reasons for allowance are strictly based on the Decision reached by the Board of Patent Appeals and Interferences which concluded that while the references disclosed the steps in the independent claims pertaining to the user entering a plurality of search criteria for desired information, the search criteria was not the equivalent of the Applicant's claims "plurality of needs associated with the knowledge worker". Therefore, as indicated above in the reasons for allowance, this is the feature which the Board has determined is not present in the references, i.e. is novel and non-obvious. If the Applicant desires to have the phrase interpreted to include search criteria, then the cited references would render the claimed invention obvious as previously rejected.

### ***Conclusion***

5. The drawings filed on January 16, 1997, are acceptable subject to correction of the informalities indicated on the "Notice of Draftsperson's Patent Drawing Review," PTO-948, which was attached to paper number 2, mailed on

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December 29, 1997. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

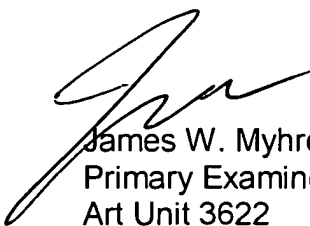
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. James W. Myhre whose telephone number is (703) 308-7843. The examiner can normally be reached on weekdays from 6:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, can be reached on (703) 305-8469. The fax phone number for Formal and Official faxes is (703) 872-9306. Draft or Informal faxes may be submitted directly to the examiner at (703) 746-5544.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 308-1113.

Handwritten signature of JWM in black ink.

August 17, 2004

Handwritten signature of James W. Myhre in black ink.

James W. Myhre  
Primary Examiner  
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